

Application No.: 09/854,179

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REMARKS

Reconsideration of this application is respectfully requested. Claims 1-50 are pending.

Applicants gratefully acknowledge the courtesies shown by the Examiner during a telephone interview on February 22nd in which the arguments discussed below were presented, and found to be persuasive by the Examiner. During the telephone interview, the Examiner clarified that claim 40 stands rejected as obvious over Gore in view of Rezai and Paul.

Applicants note that while the Office Action Summary mailed October 5, 2004 indicates that claims 1-50 have been rejected, no grounds of rejection are provided for claims 26 and 43.

Claims 1, 3, 6, 7, 24, and 29 have been rejected under 35 U.S.C. §102(b) as anticipated by Gore (U.S. Patent No. 4,194,041).

Applicants respectfully traverse this rejection, and request reconsideration.

Gore discloses a *waterproof* laminate for use in waterproof garments and tents (see title and col. 2, lines 25-26). The “[g]arments made of these materials are permanently waterproof from exterior water sources yet allow the evaporation of perspiration whenever the partial pressure of water vapor inside the garment exceeds that outside.” (underlining added) (col. 2, lines 39-44). *See also* col. 2, lines 36-38 (the “hydrophobic layer [of the laminate] is substantially resistant to pressure induced flow of liquid water”).

In contrast, the presently claimed invention is a unitary absorbent core. The absorbent core comprises a fibrous absorbent layer having an upper fluid receiving surface and a lower surface with an integral hydrophobic vapor-transmissive moisture barrier. The absorbent core is useful in absorbent products, such as disposable diapers, feminine hygiene products (such as sanitary napkins and pantliners), absorbent surgical pads, adult incontinence products, and other personal hygiene articles (*see* page 1, lines 15-17, of the specification).

Unlike “waterproof” materials which are impervious to water, such as that in Gore, an “absorbent core” absorbs and retains fluids. *See* page 1, lines 17-20, of the specification and the

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attached definition of "waterproof". Therefore, the waterproof laminate disclosed in Gore is not an absorbent core.

Accordingly, Gore does not anticipate claims 1, 3, 6, 7, 24, and 29, and applicants respectfully request withdrawal of this rejection.

Claims 2, 4, 5, 8-23, 25, 27, 28, 30-42, and 44-50 have been rejected under 35 U.S.C. §103(a) as obvious over Gore (U.S. Patent No. 4,194,041) in view of one or more of:

- (1) Graef III (U.S. Patent Publication No. 2002/0026166),
- (2) Brisebois (U.S. Patent No. 6,312,416),
- (3) Davis (U.S. Patent No. 6,316,687),
- (4) Ferguson (U.S. Patent No. 4,341,217),
- (5) Ahr (U.S. Patent No. 5,876,393),
- (6) Keuhn Jr. (U.S. Patent No. 6,238,379),
- (7) Roslansky (U.S. Patent No. 6,371,950),
- (8) Dcpncr (U.S. Patent No. 6,624,341),
- (9) Hoey (U.S. Patent No. 4,000,028),
- (10) Rezai (U.S. Patent No. 5,859,074),
- (11) Sawyer (U.S. Patent No. 6,664,437),
- (12) Yong (International Patent Publication No. WO 02/11655),
- (13) Paul (U.S. Patent No. 6,503,525),
- (14) Graef II (U.S. Patent Publication No. 2002/0007169),
- (15) Woon (U.S. Patent Publication No. 2002/0019614),
- (16) Roe (U.S. Patent No. 6,384,296),
- (17) Graef I (U.S. Patent No. 6,525,240), and
- (18) Shirayanagi (U.S. Patent No. 5,366,792).

Applicants respectfully traverse these rejections, and request reconsideration.

One of ordinary skill in the art would not have had any motivation to combine a *waterproof* laminate for use in waterproof garments and tents as taught by Gore in absorbent cores

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for absorbent products, such as diapers, as taught in references 1-17. Absorbent articles have the opposite use of waterproof garments. While absorbent articles absorb and retain water, waterproof garments repel it.

The remaining reference (reference 18, Shirayanagi) discloses a laminated non-woven fabric which exhibits water resistance (col. 2, lines 54-65). Neither Gore nor Shirayanagi provide any motivation for forming an absorbent core, let alone one comprising an absorbent layer and a hydrophobic vapor-transmissive moisture barrier integral with the lower surface of an absorbent layer.

In the absorbent core of the present invention, the moisture barrier material at least partially coats at least some of the individual fibers of the absorbent layer, but does not form a continuous film (page 13, lines 6-9). As a result, the absorbent layer remains vapor-transmissive since the pore structure between the untreated fibers remains substantially open (page 13, line 9-11). The moisture barrier allows for the transmission of moisture vapor but does not allow liquid materials to pass (page 4, lines 12-25).

The unitary absorbent core of the present invention has several advantages over prior art conventional absorbent structures and breathable absorbent structures. See Figures 1-3 to the present application. Specifically, the presently claimed unitary absorbent core is more desirable for use in an absorbent product as it is thinner, more comfortable, and less expensive to manufacture than most absorbent products (page 3, lines 23-29). The unitary absorbent core also allows for simple conversion to a finished absorbent product, is breathable yet provides a moisture barrier, and has softness and drape (page 4, lines 1-11).

As discussed in the Appeal Brief filed June 21, 2004, references 4, 6, 7, 9, and 12-18 do not disclose or suggest a unitary absorbent core comprising a fibrous absorbent layer having an upper fluid receiving surface and a lower surface with a hydrophobic vapor-transmissive moisture barrier integral with the lower surface of the absorbent layer. Moreover, none of references 4, 6, 7, 9, and 12-18 provide any motivation for including a hydrophobic vapor-transmissive moisture barrier integral with the lower surface of an absorbent layer in an absorbent core.

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The remaining references (references 1-3, 5, 8, 10, and 11) also do not disclose or suggest such a unitary absorbent core. None of these references provide any motivation for including a hydrophobic vapor-transmissive moisture barrier integral with the lower surface of an absorbent layer in an absorbent core.

For the foregoing reasons, Gore alone or in combination with any of the foregoing references fails to render obvious claims 2, 4, 5, 8-23, 25, 27, 28, 30-42, and 44-50. Accordingly, applicants respectfully request withdrawal of these rejections.

In view of the above arguments, the pending claims in this application are believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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